

Carey vetoes bills setting new agency for the retarded

Advance Albany Bureau

ALBANY — Gov. Carey, exercising his veto powers for the first time, yesterday rejected two bills which would have stripped the Department of Mental Hygiene of its role in caring for the retarded and placed such responsibility under a new state agency.

In announcing his decision, less than seven hours before the bills would have been automatically vetoed had he taken no action, Carey said the measures approved by the Legislature would "substitute an organizational change for the real progress we must seek."

Carey criticized the concept of the new agency — which would have been directly responsible to him — as too narrow and unsound, and he called on lawmakers to approve his proposal to leave the administration of care for the retarded under the Department of Mental Hygiene.

The governor's veto had been expected for some time, and reaction to his rejection of separate Senate and Assembly bills was predictably harsh.

State Sen. William T. Conklin, R-Brooklyn, who sponsored the bill in the upper house, accused the governor of breaking a campaign promise to set up a separate agency for the mentally retarded.

The senator declared: "I will never again believe Hugh Carey."

The Assembly sponsor of the legislation, Speaker Stanley Steingut, said he was "frankly disappointed" at the governor's veto but pledged the lower house will give full consideration to Carey's plan to set up a new division for the retarded within the Department of Mental Hygiene.

Lawmakers have discounted the likelihood of a legislative attempt to override the vetoes, since an override by the Democratic majority in the Assembly could prove politically embarrassing to the governor. In addition, no veto by a New York governor has been overridden in more than

100 years.

Numerically, however, such action would seem to be possible, since the bills to create an Executive Office for Mental Retardation were passed in both houses by substantially more than the two-thirds majority needed for an override.

Carey, in a five-page memorandum filed with his veto, rejected the claim of proponents of the Legislature's bills that formation of an agency with a scope narrower than the Department of Mental Hygiene would result in improved care for the retarded.

While acknowledging the department's past failures in caring for the retarded, the governor maintained that the mental hygiene agency is already well equipped and staffed to provide adequate care for the retarded and those with other developmental disabilities.

"It is imperative to bring all medical, educational and social disciplines to bear on the problems of each such individual," Carey said. "The arbitrary separation of mental retardation (from the department) would merely frustrate a comprehensive treatment plan and fragment the delivery of service," he added.

The governor also said that creation of the new office advocated by the Legislature would require the formation of a new bureaucracy, at a cost of from \$4 million to \$7 million, "with no increase in services rendered."

He added that the Senate and Assembly bills were opposed by some 31 professional scientific and related groups involved with the disabled, by parents of disabled children, and by Dr. June Christmas, commissioner of the New York City Department of Mental Health and Mental Retardation Services.

Alluding to the recent signing of a consent decree under which the state agreed to improve conditions at the Willowbrook Developmental

Center, Carey said the out-of-court agreement "marks only the beginning of the hard work on behalf of the mentally retarded by this administration."

"The administration, however, believes that its commitment to the retarded can best be carried out through the imaginative use of the (mental hygiene) department's massive resources, rather than through the creation of yet another governmental structure with no new direction," he added.

Carey, meanwhile, asked the Legislature to consider and approve "with reasonable dispatch" his counter-proposal to set up a new Division of Mental Retardation and Developmental Disabilities, within the Department of Mental Hygiene.

The fact that such a division would remain within the mental hygiene agency is the primary difference between the governor's proposal and that offered by the Legislature. Critics of Carey's plan have charged the division he proposed would lack independence.

Conklin, in a harshly worded statement, characterized the governor's vetoes as "an irresponsible and deceitful act" and as "an arrogant defiance of the overwhelming will of the Legislature and a specific rejection of his personal pledge to sign such a bill."

The senator was referring to Carey's appearance at a convention of parents and friends of the retarded during last fall's gubernatorial campaign, during which Carey reportedly pledged to sign a bill setting up a separate agency for the retarded.

Aides to the governor have since said that Carey's pledge at the time was misinterpreted.

Conklin called Carey's plan to set up the division for the retarded "a sham and a delusion" and sharply criticized

the Department of Mental Hygiene and its commissioner, Dr. Lawrence C. Kolb.

Kolb, whose nomination by the governor still must be approved by the Senate, had an appearance before the Senate Finance Committee put off for the second consecutive week yesterday. The delay was to await the governor's action on the bills he vetoed yesterday, the committee said.

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